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**INFORMATION AND COMMENTS
RECEIVED FROM GOVERNMENTS,
UNITED NATIONS BODIES, SPECIALIZED AGENCIES,
INTERGOVERNMENTAL AND NON-GOVERNMENTAL
ORGANIZATIONS**

Report of the Secretary-General

ANNEX

**Submission from the Government of Finland
dated 11 March 1998**



The following are the answers given by the Finnish Ministry of Labour to the UNHCR questionnaire on the human rights of migrants:

1.

On December 31, 1997, Finland had a total population of 5 147 485 people according to the Population Register Centre. At this time, 80 616 non-nationals were permanently resident in Finland. Statistics showing their countries of origin are enclosed.

On December 31, 1997, a total of 243 548 Finnish nationals were permanently resident abroad, most of them in the USA (13 830), Sweden (12 846), Germany (9 822) and the UK and Ireland (a total of 4 917). There were 3 746 Finns living in Australia and 3 614 in Norway.

It is difficult to give a total figure for non-nationals who hold 'authorization' to work in Finland. Non-nationals who wish to enter salaried employment in Finland are generally required to have a work permit. There are, however, numerous groups who are not required to have a work permit. Furthermore, immigration to Finland for the express purpose of working is very low compared with 'return migration' of people of Finnish ancestry, or with immigration for family reasons or on humanitarian grounds.

Nationals of EEA countries and their families form one group that enjoys unrestricted movement as a basic freedom. This applies to members of their families regardless of nationality. Nationals of the EEA-area, their spouses and their children, under age 21 or dependent, do not require work permits.

A non-national who has received a permanent residence permit does not require a work permit. Permanent residence permits are primarily granted to non-nationals who have resided in Finland legally and continuously for a period of two years.

A work permit is not required of a non-national who has received a fixed-term residence permit and

- who has been a Finnish citizen or has at least one parent who is or has been a Finnish citizen;
- who is the spouse or child of a Finnish citizen or of a foreigner permanently resident in Finland; or
- who is a refugee or an asylum-seeker who has been granted a residence permit.

Professions, occupations and activities which do not require a work permit have been set down in a decree. A student who has a residence permit also does not need a work permit for part-time or holiday jobs.

According to Directorate of Immigration statistics, a total of 9 606 work permit applications were approved in 1996. Decisions not to grant permits were made regarding 303 applications. 4 817 of the applications approved were submitted by first-time applicants.

There are no statistics on illegal immigrant labour.

2.

The Constitution Act of Finland states that basic human rights extend to all persons within the jurisdiction of Finland regardless of nationality. Section 5 of the Constitution Act states that all people are equal before the law. No one may be treated differently due to gender, age, origin, language, religion, conviction, opinion, ill health, disability or other personal reason without extenuating circumstances. Equality between the sexes is promoted in society and in working life, particularly with respect to wages and other terms of employment, as further specified in the law. Exceptions have, however, been made concerning the rights of non-nationals for instance in connection with their entry into and residence in Finland.

Under section 15 of the Constitution Act, everyone has the right to earn an income through a chosen profession, occupation or enterprise. Labour protection is the task of the public authorities. The public authorities shall promote employment and strive to ensure that everyone has the right to work. Certain official positions, mainly the highest posts, are, however, reserved for Finnish nationals. There is legislation concerning the right to training which promotes employment. It is forbidden to dismiss any employee without a legally valid reason.

Anyone who is unable to acquire for himself the basic necessities for a humane existence has the right to a minimum income and welfare support. Legislation guarantees everyone the right to basic income security during, for instance, periods of unemployment or disability (15 a §). This means that basic income security is also ensured in this kind of situation for people other than Finnish or EEA nationals who are resident in Finland.

The Penal Code (578/1995) defines discrimination and discrimination in the workplace as crimes. Under chapter 47, section 3, discrimination in the workplace is punishable by a fine or six months in prison for an employer or the representative of an employer who

- in advertising a vacancy, choosing a new employee or during an employment relationship
- without a weighty and acceptable reason
- places an applicant for a job or an employee in an unfavourable position

- 1) due to race, national or ethnic origin, colour, language, sex, age, family, sexual preference or state of health, or
- 2) due to religion, social opinion, political or union activity or any other, comparable, reason.

Non-nationals are subject to the Finnish labour legislation. The labour protection authorities supervise the implementation of the terms of the employment contract for non-nationals also. According to the legislation, employers must provide assurance to the labour market authorities dealing with a work permit application that the wages of a non-national and his other employment terms are in keeping with the collective agreement currently in force or, if there is no collective agreement in the field in question, that they correspond to the practices applied for Finnish workers.

In a situation where the employer is insolvent, employees have the option of receiving their wages and other employment benefits in the form of pay security. This also applies to non-nationals. Employers can also apply for their benefits from the employer through court proceedings.

The Ministry of Labour and its Division for Migration plays a coordinating role in producing information for migrants, either in their own language or in Finnish, that is clear and understandable to those who have not been in the country for many years. The Division for Migration (previously the Refugee Office at the Ministry of Social Affairs and Health) has done this work since the reception of refugees began and year by year both the amount of material dealing with different and acute issues, and the number of translated languages have increased. Leaflets and material are now mainly translated into 10 languages and even more when necessary. Material deal, for example, with issues such as reception of refugees and asylum seekers, day care, social and health services, having children, female circumcision, housing, dental care, rights and responsibilities, etc.

The Division's coordinating role means that it both produces information itself and encourages other authorities, organizations, NGOs and associations to produce information material in all the languages spoken in Finland. Many organizations dealing with health, social and child care issues have been especially active in co-operation. These have primarily offered expert help, but also share the costs.

In 1997, the Division focused on improving migrants' ability to operate in society. In co-operation with civic organizations, it organized training sessions at which migrants were informed about the skills needed in association activities, fund raising, project planning, etc. Civic organizations were in fact very active in this project and many of them added various kinds of training courses for migrants to their action plans. Training material for this purpose was also produced jointly.

A training session for migrants, NGO activists and various authorities was arranged in April 1997 to raise awareness of discrimination against ethnic groups and discuss how to prevent it. The training session was organized jointly with the Finnish Red Cross and one of its purposes was to encourage people to take local initiatives in monitoring and preventing discrimination.

Many recent events in Finland have brought migrant women into focus. A number of formal and informal training sessions have been organized to handle various issues affecting migrant women. The Division for Migration has also produced a leaflet called Migrant Women in Finland to explain the rights migrant women have, for example when they are living in the country as the wife of a Finn.

The Advisory Board on Migration and Refugee Affairs operates under the Ministry of Labour as a negotiating body between ministries and NGOs working in the field. The Board ran a tolerance campaign for 3 years (1995-1997) the main purpose of which was to finance various kinds of grass-root projects promoting tolerance in different ways. Altogether 124 projects were supported. The target of many projects was to increase public knowledge about migrants' rights, human rights and the value of multiculturalism.

The Ministry of the Interior, in turn, set up a committee on immigration and refugee policy to prepare an aliens policy programme for the Government. Consequently, a Government programme on migration and refugee policy was approved on October 16, 1997.

Integration into Finnish society of migrants intending to reside permanently in the country will be supported. The objective is a society where ethnic equality and the right of migrants to maintain and develop their own religion and culture is a reality. The starting points for official integration policy are both migrants' own responsibilities and their equality in society. The policy programme thus drew up an integration policy for migrants on the national, local and individual level. Opportunities for migrants to participate and exert influence in various sectors of society, and in particular in planning and implementing services actually for them, will be increased.

Equality can be attained if migrants are given a chance to study the language of the country, to get information and instruction on how society functions, and to supplement their studies and vocational skills. The Government intends to increase services that promote the integration of migrants.

A proposal for a law on the reception of asylum seekers and integration of migrants will be placed before Parliament in spring 1998. It will include sub-proposals for integration plans, integration support/benefits and the duties of public authorities concerning reception and integration.

If they live in Finland permanently, migrants have the same standing as Finns. However, refugees are entitled to special measures: for instance, municipalities will arrange initial accommodations for refugees accepted by the local authority.

The Government aims to give all adult migrants in need of language training, etc. a chance to participate both in migrant education offering them orientation into Finnish society and working life, and basic and complementary vocational training. Adult migrant education is to be financed and arranged in the form of adult labour market education. A 40-week curriculum is arranged for all refugees accepted by Finland and some other newcomers.

The Government programme on immigration and refugee policy will be implemented gradually and financed mainly out of the State budget.

As regards the reception of refugees, certain municipalities have committed themselves to the reception of refugees and to providing specific services taking into account the refugees' own needs. These municipalities have made the necessary preparations (e.g. planning and in-service training), reserved adequate rented housing for the refugees, arranged guidance and support services, interpretation, introductory classes at comprehensive schools for children, and social and health services. The refugees are entitled to one-year full-time migrant training which includes language and civic skill studies, as well as to vocational guidance and work training provided by the employment authorities. After this migrant training, refugees have the opportunity to get vocational training suiting their personal abilities. Special measures to promote the refugees' own culture and native language are available, especially for children and adolescents.

3.

On February 6, 1997, the Council of State approved in principle a decision on government measures to promote tolerance and prevent racism. This decision in principle obliges the entire ministerial administration to act against racism and to promote tolerance.

The Council of State made a decision in principle on October 16, 1997 on an immigrant and refugee policy programme for the Government. The programme emphasizes the importance of action by the authorities against racism and ethnic discrimination. Furthermore, the programme has also been used as a base for starting preparation of a national monitoring programme for racism and ethnic discrimination to be implemented during 1998-99.

The President of the Republic of Finland condemned racism and appealed to all Finns in his New Year's speeches in 1997 and 1998.

The President of the Republic of Finland and the Government have appealed, in different contexts, to the Swedish Government to give the Finnish language and the Finnish-speaking population in Sweden official minority status. Finnish is now about to receive official recognition in Sweden as a minority language.

4.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (UN), 1990

At the end of 1997, the Convention had been ratified by only nine states (Bosnia-Herzegovina, Cape Verde, Columbia, Egypt, Morocco, the Philippines, the Seychelles, Sri Lanka and Uganda). The Convention thus does not have international force, which would require the ratification or approval of 20 states.

In a statement to the Ministry of Foreign Affairs on October 2, 1991 regarding ratification of the Convention in Finland, the Ministry of Labour found that "the convention on the rights of migrants and members of their families appears to be in accordance with Finnish policy on human rights. It also corresponds with the principles of Finnish migrant policy ..." Ratifications remain few, however, and ratification of the Convention is not under consideration at present, as far as we know. The Migration Division of the Ministry of Labour is, however, investigating the accordance of the Convention with Finnish regulations currently in force.

The ILO Convention concerning Migration for Employment (Revised), 1949 (No. 97)

By June 1, 1997, Convention no. 97 had been ratified by 40 states including eight EU Member States (Belgium, France, Germany, Italy, the Netherlands, Portugal, Spain and Britain). Norway has also ratified the Convention. No new ratifications have taken place in recent years. Although Finland has not ratified this Convention, it is committed to complying with regulations which are, in part, very similar, having ratified the EU Social Charter in 1991; Article 19 of the Social Charter is based on this Convention.

The prerequisites for ratification of the Convention were subject to tripartite investigation by the convention division of the Finnish Tripartite ILO Committee in 1986 and 1995. At present the situation is being studied in connection with a questionnaire on unratified ILO conventions.

According to the 1986 study by the convention division of the ILO Committee, the key principles of Finland's legislation are in agreement with the Convention. The Convention was nevertheless placed in the category 'conventions not recommended for ratification'. The current view is that the Convention is already outdated in many respects and ratification of it is not considered to be in line with current objectives. Convention no. 143, intended to complement Convention no. 97, represents more contemporary thinking. Where this particular Convention is concerned, however, there are certain obstacles to ratification which will be presented in closer detail below.

The ILO Convention concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143)

By June 1, 1997, Convention no. 143 had been ratified by 17 Member States, four of them western European countries (Italy, Norway, Portugal and Sweden). Finland has not ratified the Convention because its legislation is not considered to fulfil the requirements of the Convention. The prerequisites for ratification of this Convention were also subject to investigation by the convention division of the Finnish Tripartite ILO Committee in 1986 and 1995, and this Convention is currently also under further study in connection with the ILO questionnaire mentioned above.

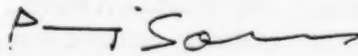
In addition to the final provisions, the Convention consists of two parts which can be ratified separately. Part I contains regulations on abusive practices connected with migration, while Part II deals with equal treatment of migrant workers. In 1995, based on a study it had carried out, the Finnish Tripartite ILO Committee found that Part I of the Convention could not be ratified without legislative amendments. The prerequisites for ratification of Part II did seem to exist, however.

There have not been any great changes made to the Finnish legislation in force at the time of the study or in its practical application. The current view is that there are also some obstacles to ratification of Part II. Reform of the legislation concerning foreigners and of the Ministry of Labour's procedure for granting work permits is in progress, but it is not likely to eliminate the obstacles to ratification.

Finland's policies in regard to immigration and non-nationals are not in conflict with the general aims of Convention no. 143. In looking at amendments to the legislation and at its practical application, it should be taken into account that Finland is committed to the Council of Europe's resolutions on the admission of third-country nationals, and - in this context - particularly to the resolution on limitations on admission of third-country nationals into the Member States for employment (96/C 274/01).

In conclusion, it should be said that the processing of the Commission's proposal for a convention on rules for the admission of third-country nationals to the Member States of the European Union is underway. Processing of the proposal is still in its early stages.

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Secretariat note: the enclosures to the present submission are kept by the Secretariat and are available upon request.